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Dockets Management System  
U.S. Department of Transportation  
Room PL 401  
400 Seventh St., SW  
Washington, DC 20590-0001

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DOT/OP/REGISTRATION

**RE: Carroll Independent Fuel Comments on DOT's Notice of Proposed Rulemaking on Hazardous Materials: Security Requirements of Offerors and Transporters of Hazardous Materials**

**Docket No. RSPA-02-12064 (HM232)-36**

Docket Clerk:

On behalf of my business, Carroll Independent Fuel Company, I would like to take the opportunity to comment on the Research and Special Programs Administration's (RSPA) proposed rule to increase security requirements for offerors and transporters of hazardous materials. In particular, I would like to comment on the proposed requirements for shipping papers.

My company serves approximately 22,000 customers. The majority of these accounts are for home heating. We also serve several thousand commercial accounts that purchase heating oil, diesel, kerosene, propane and gasoline. Many of our deliveries are pre-scheduled; however most of our delivery trucks receive special orders during the day, every day. These special deliveries are everything from customer calling in out of oil to opportunities to make a delivery to a new account immediately.

Our fleet pulls inventory from approximately a dozen major suppliers as well as from five of our own bulk plants.

During routine winter time business we may do in excess of 1000 deliveries daily. Being a provider of heating fuels it is extremely important for our operation to remain flexible with the ability to react to customers' day by day and hour by hour needs.

It is common practice to have multiple deliveries of fuel throughout the day. The shipment locations may be known for some deliveries, but there are numerous instances where the location of a particular delivery is not known until the truck has already begun its route. In other words, not every gallon of petroleum is accounted for when loaded at the bulk plant. For example, a tank wagon driver may be on his way to a farm for a delivery and then get called to stop on the

way to make a new and separate delivery. He may then partially fill up his tank at a different bulk plant than he did in the morning, and continue this process throughout the day. Both these situations happen all of the time.

Does a change of routine nullify the original shipping paper and therefore the driver is out of compliance? If a driver gets a call to make an additional delivery, where will the origination point be – the address where he picked up the fuel or the address of his last delivery? Who will be the consignor? What will the additional paperwork accomplish?

Many of my deliveries are to farms, constructions sites, and very small towns. The new proposal would require a formal street address of the delivery, but there are instances when there is no street address because the location is so remote. Is the driver out of compliance when what they are being required to do is impossible?

Finally, I fail to see how this requirement would stop a terrorist from high jacking a truck. For instance, are the state police or officials from the DOT going to verify the route by checking with the bulk plant to see if the shipment was picked up and then verify with the person who was supposed to receive the shipment that he actually did? Are there going to be random stops to look for terrorists? If not, then the additional requirements will only be reviewed at normal stops. Since determining the delivery vehicle's schedule will only be discovered after the fact, this regulation has no real effect on security.

I understand the need for a heightened awareness of security issues for hazardous materials after the terrorist attacks on September 11, 2001. But these new regulations regarding shipping papers fail in almost every way to prevent an unauthorized individual from high jacking a truck. This regulation will only add volumes of paperwork and time, which as a small business owner, I can not afford.

Thank you for your consideration of my comments. If you have any questions on the above, or would like to speak with us further about our concerns, please do not hesitate to contact me at 410-235-1066.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Phelps", with a long horizontal flourish extending to the right.

Richard B. Phelps  
President  
Carroll Independent Fuel Company

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